

1 D. FREED

2 Plaintiffs have everything.

3 MR. KLEIN: Thank you.

4 Q. When you say DD5s, what were  
5 they DD5s of?

6 A. I remember there is a DD5 of,  
7 what is the name of the club in Webster  
8 Hall. There is a DD5 of Webster Hall.

9 Q. There is a DD5 with Shane  
10 Rhooms in it?

11 A. Yes.

12 Q. When did you obtain that DD5?

13 A. After his arrest.

14 Q. Who did you obtain it from?

15 A. I believe as far as, from the  
16 management of Webster Hall. I didn't  
17 personally retrieve it.

18 Q. But it was retrieved by the  
19 Police Department as opposed to giving it  
20 to you by the D.A.'s Office or someone like  
21 that?

22 A. Yes.

23 Q. If the arrest was on  
24 September 6th into September 7th, I believe  
25 the lineups would have been after midnight

1 D. FREED

2 on the 6th, how long after the lineups did  
3 you obtain the DD5 from Webster Hall?

4 A. I believe it was within a week.

5 Q. Was it before or after Rhooms  
6 was indicted?

7 A. I would say after.

8 Q. On the day of the arrest and we  
9 will go over the time, but my understanding  
10 it was around 6:00 that he surrendered to  
11 the precinct and Detective Wright was there  
12 when he surrendered.

13 Do you have a recollection of  
14 that?

15 A. Vaguely. I was home and I got  
16 a phone call.

17 Q. Did you respond to the precinct  
18 right away?

19 A. Yes.

20 Q. You went to the 67th squad?

21 A. Yes.

22 Q. Where was Mr. Rhooms, was he in  
23 a cell?

24 A. I don't know if he was in a  
25 cell or an interview room.

1 D. FREED

2 Hall, did you, did he tell you that it was  
3 at the time of the shooting that he was at  
4 Webster Hall?

5 A. He said he was at Webster Hall  
6 at this time.

7 Q. Did you make any phone calls to  
8 Webster Hall while he was in custody to  
9 check it out?

10 A. No.

11 Q. Why not?

12 A. That would not be -- it is not  
13 incumbent upon me to prove his alibi.

14 It is incumbent upon me to  
15 conduct my investigation and at that point  
16 there was probable cause to arrest and  
17 that's what we did.

18 Then subsequent to that was on  
19 my own behalf of doing it. Like I said  
20 earlier I had a feeling, you know, it was  
21 something in my mind that said that this  
22 alibi needed to be investigated further.

23 Because nobody wants to put  
24 anybody in jail who doesn't deserve to be  
25 in jail. There is no alibi for me to solve

1 D. FREED

2 Q. You were yourself personally  
3 that their identification was not correct?

4 A. That is correct.

5 Q. Did you ever confront them with  
6 that about the conclusion that you made or  
7 did they ever confront you about it?

8 A. No.

9 Q. Did you ever hear through the  
10 grapevine, hearsay, rumors or something  
11 else that they were upset with you or that  
12 they disagreed with your conclusion?

13 A. No.

14 Q. In reaching the conclusion that  
15 Rhooms was not the perpetrator, did you  
16 reach out to Ortlieb, Henderson and/or  
17 Seminara, either directly or indirectly to  
18 let them know that Rhooms was not the  
19 person before you communicated it to the  
20 DA?

21 A. No.

22 Q. They were your victims in your  
23 case, were they not?

24 A. Yes.

25 Q. Did you feel you had any

1 D. FREED

2 A. Probably when I got done with  
3 the interview with him.

4 Q. You would have spoken to  
5 Enright?

6 A. Hang on. Let me withdraw that.  
7 I'm thinking about the Seminara photo  
8 array.

9 After interviewing Perez and  
10 after interviewing the friend that he had  
11 pointed out, we, I conducted several  
12 computer checks looking for arrest  
13 associates, specifically the two other  
14 witnesses that mentioned the name Shane as  
15 being there prior to the shooting and  
16 through those computer checks came up with  
17 the photo of Shane Rhooms.

18 Then I showed that photo to  
19 Perez and that was my call.

20 Q. So, with whom was there an  
21 issue about showing photos that Sciortino  
22 or Enright was involved with?

23 A. At a later time we did a photo  
24 array with, I believe, Seminara and that  
25 was against what I would have wanted to be

1 D. FREED

2 several attempts, 911 calls, I believe he  
3 went to a community board meeting trying to  
4 get these guys away from selling weed in  
5 front of the building.

6 Q. Did you ever verify that?

7 A. No. But I can tell you that 222  
8 Lenox is a more upscale building for the  
9 neighborhood for sure.

10 Q. You got the name Shane from the  
11 two other individuals?

12 A. Yes.

13 Q. And you didn't have a last  
14 name, just a name Shane?

15 A. Correct.

16 Q. When you did a computer check,  
17 is that when you came up with the mug shot  
18 for Shane Rhooms?

19 A. Well, at first he came up with  
20 the name and the arrest record and an NYSID  
21 number and from there I got the photo.

22 Q. Were there any other Shanes in  
23 the area that you came up with?

24 A. No.

25 Q. You were just looking for

1 D. FREED

2 A. Right.

3 Q. Aren't, especially in a big  
4 case like this, when there is a lot of  
5 DD5s, a lot of witnesses, if you don't  
6 write it down, how are you able to be able  
7 to use the information?

8 Don't you have to write down  
9 the information that you get in the DD5s?

10 A. Not every piece of information  
11 and every statistic is relevant and needs  
12 to be documented.

13 Like I said, I believe that we  
14 came across Shane Rhooms because the other  
15 witness had named the name Shane and then a  
16 computer inquiry with regard to an arrest  
17 at 222 Lenox and the surrounding buildings  
18 came up with the name Shane Rhooms.

19 Q. They didn't mention Shane  
20 Rhooms, they just mentioned the name Shane?

21 A. Yes.

22 Q. You think that is when the  
23 other individual, Jason Brown, the name  
24 came up?

25 A. I'm sorry?

1 D. FREED

2 Q. You think the name Shane came  
3 up from the other interview?

4 A. I believe so.

5 Q. Is that Shane Brown, New York  
6 City 210.

7 Did you ask Jason Brown of the  
8 last name of the Shane that he was talking  
9 about?

10 A. Yes.

11 Q. Did he tell you where Shane  
12 lives?

13 A. No.

14 Q. Did he tell you another last  
15 name?

16 A. He told me Biggy, Courtney,  
17 Shane and some girls.

18 Q. You are looking at the DD5s  
19 now. Let's move on, but I'm asking you if  
20 you remember having a conversation with him  
21 about the last name of the Shane that he  
22 was talking about?

23 A. No.

24 Q. You don't know if he was  
25 talking about another Shane other than



1 D. FREED

2 never used the roll calls or the logs,  
3 anything like that.

4 I know that night like New  
5 Year's Eve or New Year's Day, especially in  
6 the 67th, guys that were brought in, good  
7 guys would be brought in to work, maybe  
8 overtime because of the possibility of  
9 extreme violence or what might go on during  
10 Labor Day or Jouvert.

11 Q. Is Detective Torres one of the  
12 guys --

13 A. I would say he is a good guy.

14 Q. What about is there a Detective  
15 Rivero?

16 A. There is a Detective Rivero.

17 Q. Is he one of the guys that is a  
18 good guy?

19 A. He would not be one of the guys  
20 in my circle, no.

21 Q. What is Torres' first name?

22 A. Eric.

23 Q. What about Gasser?

24 A. Kevin.

25 Q. Was he one of the guys?

1 D. FREED

2 Q. Another detective did?

3 A. Yes.

4 Q. Do you know who it was?

5 A. No.

6 Q. When the video came to you,

7 were you at the 67th squad?

8 A. Yes.

9 Q. Did you watch it inside of the  
10 squad?

11 A. Yes.

12 Q. Were you able to figure out  
13 where on the surveillance video he was or  
14 you needed help?

15 A. I needed help.

16 Q. That is why you called his  
17 cousin there?

18 A. Yes.

19 Q. And he helped you cue up the  
20 right parts?

21 A. Yes.

22 Q. At that point were you aware of  
23 the phone records as well? The cell phone  
24 records corroborating where he was at?

25 MS. JOYCE: Objection.